

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	NO. 1:08-CR-0291
	:	
	:	
v.	:	(Judge Conner)
	:	
JOSEPH LYMOND,	:	
Defendant	:	

ORDER

AND NOW this 20th day of January, 2010, after a hearing held November 10, 2009, and upon consideration of the within Motion for an Order Authorizing Mr. Lymond's Unconditional Release from Federal Custody (Doc. 72), the Court finds that:

- a. Mr. Lymond is at the Wernersville State Hospital, a hospital that treats those who are mentally ill;
- b. Mr. Lymond was committed involuntarily and therefore is not free to leave on his own;
- c. Mr. Lymond is in a structured and supervised environment;
- d. Medical staff at Wernersville State hospital will monitor Mr. Lymond's compliance with medications;
- e. Dr. Dale Adair, Chief Medical Officer, Wernersville State Hospital, has stated that the hospital medical staff will not discharge anyone who, in their opinion, presents a danger to themselves or the community.
- f. The Pennsylvania State Mental Health Procedures Act will govern Mr. Lymond's case and all aspects of his future care and treatment.
See 50 P.S. §§7301-7306.

In light of the *state* commitment proceedings and Mr. Lymond's secure placement at Wernersville State Hospital pursuant to the provisions of the Pennsylvania State Mental Health Procedures Act, 50 P.S. §7301, *et seq.*, the Court finds that Mr. Lymond has proven by clear and convincing evidence that his release *federally* will not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect.

THEREFORE, IT IS ORDERED that Joseph Lymond is hereby unconditionally released from federal custody pursuant to 18 U.S.C. § 4343(d).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge